## REMARKS

This Application has been carefully reviewed in light of the Office Action mailed April 29, 2005 (the "Office Action"). At the time of the Office Action, Claims 1-36 were pending in the Application. The Examiner rejected Claims 1-36. Applicants respectfully request reconsideration and allowance of all pending claims.

### Non-Statutory Double Patenting Rejection

Claims 1-36 of the present Application were provisionally rejected under the judicially created doctrine of obviousness-type double patenting. Applicants traverse this rejection but stand willing to file a terminal disclaimer upon an indication of allowable subject matter.

### Section 103 Rejections

Claims 1-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,604,867 issued to Harwood ("*Harwood*") in view of U.S. Patent No. 5,638,518 issued to Malladi ("*Malladi*"). Applicants traverse these rejections for the reasons described below.

In order to establish a *prima facie* case of obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981 (CCPA 1974). Applicants respectfully submit that each and every element of Claims 1-36 are not found within the references cited by the Examiner.

Claim 1 recites:

> A method for communicating information in a network having a plurality of nodes, comprising:
> providing a frame for storing information, the frame identified by a frame type;
> determining the frame type of the frame;
> in response to determining the frame type, scheduling periodic transmission of the frame from a node in the network; and
> transmitting the frame at the scheduled time.

Applicants respectfully submit that the *Harwood-Malladi* combination suggested by the Examiner fails to teach, suggest, or disclose each element of Claim 1. Specifically, *Harwood-Malladi* fails to teach, suggest, or disclose "scheduling periodic transmission of the frame from a node in the network [in response to determining the frame type]." Instead,

*Malladi* discloses scheduling transmissions of "primitive signals and sequences" (e.g., "IDLE," "R_RDY," "NOS," "OLS," "LRR," "LR"). Col. 21-22. Primitive signals and sequences, however, are not frames. According to *Malladi*, "All frames are separated by a minimum of six primitive signals." Col. 27-28. Therefore, the primitive signals and sequences disclosed by *Malladi* are not frames for storing information as required by Claim 1. Because of this, the primitive signals and sequences of *Malladi* are also not identified by a frame type. Even assuming arguendo that the primitive signals and sequences were identified by a frame type, *Malladi* fails to disclose upon what attribute - if any - the primitive signals and sequences are scheduled for transmission. Therefore, for at least these reasons, the rejection of Claim 1 is improper, and Applicants respectfully request that the rejection of Claim 1 be withdrawn.

Claim 7 recites:

> A method for communicating information in a network having a plurality of nodes, comprising:
> providing a first frame for storing information, the frame having a first maximum size;
> providing a second frame for storing information, the frame having a second maximum size, the first size being unequal to the second size;
> determining the first maximum size and the second maximum size;
> in response to determining the first maximum size and the second maximum size, scheduling periodic transmission of the first and second frames beginning at respective first and second scheduled times;
> transmitting the first frame at the first scheduled time; and
> transmitting the second frame at the second scheduled time.

Applicants submit that the *Harwood-Malladi* combination also fails to teach, suggest, or disclose each element of Claim 7. For example, *Harwood-Malladi* fails to disclose "in response to determining the first maximum size [of a first frame for storing information] and the second maximum size [of a second frame for storing information], scheduling periodic transmission of the first and second frames beginning at respective first and second scheduled times," as required by Claim 7. As stated above in regard to Claim 1, the Examiner incorrectly relies on *Malladi* as disclosing scheduling periodic transmission of frames for

storing information. For at least this reason, the rejection of Claim 7 is improper, and Applicants respectfully request that the rejection of Claim 7 be withdrawn.

Claim 11 recites:

> A method for communicating information in a network having a plurality of nodes, comprising:
> providing a first frame for storing information and a second frame for storing information;
> repeatedly transmitting the first frame to a plurality of nodes in the network at a first rate; and
> repeatedly transmitting the second frame to a plurality of nodes in the network at a second rate, the first rate being unequal to the second rate.

Applicants submit that the *Harwood-Malladi* combination suggested by the Examiner also fails to teach, suggest, or disclose each element of Claim 11. Specifically, the *Harwood-Malladi* combination fails to teach, suggest, or disclose "repeatedly transmitting the first frame to a plurality of nodes in the network at a first rate" and "repeatedly transmitting the second frame to a plurality of nodes in the network at a second rate, the first rate being unequal to the second rate." Instead, *Harwood* discloses "a first local area network operating at a first data transmission speed, and a second local area network operating at a second transmission speed." Col. 42, ll. 20-23. *Harwood* does not disclose transmitting frames at two different rates within the same network. For at least this reason, the rejection of Claim 11 is improper, and Applicants respectfully request that the rejection be withdrawn.

Claim 15 recites:

> A method for initiating transmission of a sequence of related data frames in a network having a plurality of nodes serially interconnected in a loop topology, each frame identified by one of a plurality of type designations, comprising:
> building a transmission queue for frames of each designated type, the queue organized by frame type and containing pointers to the header of each sequence of frames;
> building a transmission schedule table for transmission times for sequences of frames of each designated type; and
> transmitting in response to the transmission schedule table a sequence of frames of a first designated type to each of the serially interconnected nodes of the network when an entry exists for a given designated type of frame.

Applicants submit that the *Harwood-Malladi* combination suggested by the Examiner also fails to teach, suggest, or disclose each element of Claim 15. For example, *Harwoord-Malladi* fails to teach, suggest, or disclose "building a transmission schedule table for transmission times for sequences of frames of each designated type." Again the Examiner incorrectly relies on *Malladi* as disclosing scheduling periodic transmission of frames for storing information. *Malladi* discloses scheduling transmissions of "primitive signals and sequences." Col. 21-22. Primitive signals and sequences, however, are not frames. Because of this, the primitive signals and sequences of *Malladi* are also not identified by a frame type. Therefore, for at least these reasons, Applicants submit that the rejection of Claim 15 is improper and respectfully request that the rejection be withdrawn.

Applicants submit that Claims 22, 28, 32, and 34 are also allowable over the *Harwood-Malladi* combination suggested by the Examiner. In rejecting the Claims 22, 28, 32, and 34, the Examiner stated that the claims "contain the similar limitations set forth of claims 15-21. Therefore, [the claims] are rejected for the similar rationale set forth in claims 15-21." Office Action, 10. However, the Examiner failed to designate as nearly as practicable the particular part of reference that is relied on to reject the pending claims as required by 37 C.F.R. § 1.104(c)(2). Furthermore, Claims 22, 28, 32, and 34 include limitations not present in (or similar to those of) Claims 15-21. For example, Claim 22 recites "scheduling a time for periodic transmission of the frame from a node in the network based on the identified frame type." Claim 28 recites "determining transmission time for a sequence of frames of a first type in response to the stored transmission schedule table to initiate synchronous transmission of frames of the first type to each of the serially connected nodes." Claim 32 recites "initiating transmission of a sequence of frames of a first frame type at a frame type start time at a predetermined rate during an allocated portion of a sample window to each of the plurality of serially connected nodes." Claim 34 recites "initiating transmission of a sequence of frames of a first frame type at a frame type start time at predetermined rate during an allocated portion of a sample window to each of the plurality of serially connected nodes." None of these limitations are present in Claims 15-21. Thus, not only does the Examiner's rejection of Claims 22-24 and 26-36 fail to satisfy 37 C.F.R. § 1.104(c)(2), but the portions of the *Harwood-Malladi* combination identified as allegedly supporting the rejection of Claims 15-21 provide no basis for the rejection of Claims 22, 28, 32, and 34. As such, the rejections of Claims 22, 28, 32, and 34 are improper, and Applicants respectfully request that the rejections of these claims be withdrawn.

Claims 2-6, 8-10, 12-14, 16-21, 23-27, 29-31, 33, and 35-36 depend from independent Claims 1, 7, 11, 15, 22, 28, 32, and 34, respectively. Therefore, Applicants respectfully submit that Claims 2-6, 8-10, 12-14, 16-21, 23-27, 29-31, 33, and 35-36 are allowable, for example, for the same reasons discussed above with regard to Claims 1, 7, 11, 15, 22, 28, 32, and 34, respectively. Applicants respectfully request that the rejections of these claims be withdrawn.

## CONCLUSION

Applicants respectfully submit that this Application is in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all pending claims. Although no fees are believed due, the Commissioner is hereby authorized to charge any fee or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts, L.L.P. If the Examiner feels that a telephone conference would advance prosecution of the Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Respectfully submitted,

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